

Message

From: Arcaya, Alyssa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7858A49CE4904FA688BE91E866737EAB-ARCAYA, ALYSSA]
Sent: 1/27/2021 10:44:32 PM
To: Ash, Christine [Ash.Christine@epa.gov]
Subject: Re: Proposed Permit Issuance for Roulette Oil and Gas Company

FYI that Andrea keeps track of tribal consultations as part of her new role, and she's done a lot on the current consultation we have with SNI on pretreatment-related oil and gas development.

Sent from my iPhone

On Jan 27, 2021, at 5:40 PM, Coats, Andrea <Coats.Andrea@epa.gov> wrote:

Alyssa,

Thanks for keeping me in the loop. Ex. 5 Deliberative Process (DP) Follow up on the MOU between R2, R3 and the Seneca is needed. I will look into that, however, I believe we were waiting on R3.

All - please cc me on any further emails.

Thanks,
Andrea

From: Arcaya, Alyssa <arcaya.alyssa@epa.gov>
Sent: Wednesday, January 27, 2021 2:59 PM
To: Coats, Andrea <Coats.Andrea@epa.gov>
Subject: FW: Proposed Permit Issuance for Roulette Oil and Gas Company

FYI

From: Ash, Christine <Ash.Christine@epa.gov>
Sent: Wednesday, January 27, 2021 2:55 PM
To: Jonathan, Grant <Jonathan.Grant@epa.gov>; Arcaya, Alyssa <arcaya.alyssa@epa.gov>
Subject: RE: Proposed Permit Issuance for Roulette Oil and Gas Company

I just spoke with the Region 3 folks – Kevin, Jim Bennet (section chief) and their UIC field person Dave. They offered to set up a call to discuss with SNI if the nation would like a formal consultation, but now understand that that will/should be the case regardless of the call or the public hearing. Their regional process for formal consultation is a letter coming from the Regional Administrator, so they're working on getting that drafted since they don't think it's feasible to get the letter out before the public hearing.

FYI – there are two other UIC Class II well permits Region 3 is working on that SNI will likely be interested in as they are in the vicinity of the Allegheny River. I suggested to R3 that they should let the SNI know sooner than later... their thought is that the letter from their RA for the formal consultation will include information about those two other wells, so they can do a formal consultation for all 3 wells at the same

time.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I hope this makes sense. I offered to help however we can. They don't think they'll need too much from us but will keep us in the loop. I let them know we'll keep someone from drinking water involved with the existing CWA coordination in case SDWA related issues (e.g. UIC) come up again in the future.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Christine Ash

Chief, Drinking Water and Municipal Infrastructure Branch
EPA Region 2
290 Broadway
New York, NY 10007
ash.christine@epa.gov
(212) 637-4006

From: Jonathan, Grant <Jonathan.Grant@epa.gov>

Sent: Tuesday, January 26, 2021 4:13 PM

To: Arcaya, Alyssa <arcaya.alyssa@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>

Subject: RE: Proposed Permit Issuance for Roulette Oil and Gas Company

Ex. 5 Deliberative Process (DP) I told Barb Okorn (acting RIC) that if Seneca still requests formal consultation, that R3 should be prepared to do so. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) The SNI is not the public, and they are not an ordinary stakeholder. They are a federally recognized government and we have a government-to-government relationship with them. And Cliff's email (where you Alyssa and I were cc'd) stated the Nation requests formal consultation in the matter. Not a response by email.

Ex. 5 Deliberative Process (DP)

Yes, SNI supports and requested that the public hearing be held. But SNI also asked for a formal consultation in the matter. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) And R2 would provide backup.

Grant W. Jonathan

U.S. EPA - Region 2

Office of the Regional Administrator

290 Broadway, New York, NY 10007

212.637.3843 (phone)

917.304.4149 (awl)

Email: jonathan.grant@epa.gov

From: Arcaya, Alyssa <arcaya.alyssa@epa.gov>
Sent: Tuesday, January 26, 2021 4:02 PM
To: Jonathan, Grant <Jonathan.Grant@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>
Subject: RE: Proposed Permit Issuance for Roulette Oil and Gas Company

Looks like a good response- what do you think?

From: Jonathan, Grant <Jonathan.Grant@epa.gov>
Sent: Tuesday, January 26, 2021 3:58 PM
To: Arcaya, Alyssa <arcaya.alyssa@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>
Subject: FW: Proposed Permit Issuance for Roulette Oil and Gas Company

The acting RIC from R3 reached out to me. I provided input. They used it all below.

Grant W. Jonathan

U.S. EPA - Region 2

Office of the Regional Administrator

290 Broadway, New York, NY 10007

212.637.3843 (phone)

917.304.4149 (awl)

Email: jonathan.grant@epa.gov

From: Rowsey, Kevin <rowsey.kevin@epa.gov>
Sent: Tuesday, January 26, 2021 3:37 PM
To: clifford.redeye@sni.org
Cc: Okorn, Barbara <Okorn.Barbara@epa.gov>; Jonathan, Grant <Jonathan.Grant@epa.gov>; Gleason, Patricia <Gleason.Patricia@epa.gov>; Bennett, James <bennett.james@epa.gov>; Bryant, Renee <bryant.renee@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>; Dangelo, AJ <Dangelo.Aj@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Rectenwald, David <Rectenwald.Dave@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>
Subject: RE: Proposed Permit Issuance for Roulette Oil and Gas Company

Dear Mr. Redeye,

Thank you for reaching out to me regarding the proposed Roulette Oil & Gas Underground Injection Control (UIC) Class II injection well.

Please pardon this informal correspondence, but I thought it important to respond to you promptly in order to provide you with some relevant background information as to why the U.S. EPA Region 3, did not, itself seek to initiate formal consultation with the Seneca Nation of Indians in this matter.

It is my understanding that EPA Regions 2 and 3 initially and jointly consulted with the Seneca Nation in September 2018. Our discussions then focused upon surface water (NPDES, etc.) issues in response to the Nation's expressed concerns about oil and gas waste water discharges into the Allegany River near Coudersport. At the time of those initial 2018 discussions, UIC matters were not a part of the EPA Water Division, but were then a part of the EPA enforcement program. As a result, UIC issues were not addressed during our initial discussions with the Nation and the Region 3 UIC Program was not aware of the Nation's UIC concerns.

Moving forward, please be assured of EPA's commitment to better coordinate with the Nation to address relevant drinking water and surface water matters of concern to the Nation. Along those lines, I wanted to make sure you are aware of EPA's intention to host a virtual public hearing for this particular proposed UIC permit and has solicited comments from the public. You are certainly invited, and strongly encouraged to participate in that public hearing and to submit any written comments you may have. I've listed the call-in information and instructions on how to participate in the Public Hearing below:

**Call-in Number: (866) 609-3139
2021 6:00-8:00 PM EST**

Tuesday, February 2,

There is no need to register for the virtual hearing. You may call 15 minutes in advance of the start time during the session to listen to the hearing. During the hearing, callers will receive instructions on how to join the queue to make a comment. The operator will call on people to deliver their oral comments. The virtual hearing is an audio-only teleconference. Participants who want to supply written or printed materials, should do so via email to rowsey.kevin@epa.gov.

The draft permit, statement of basis for the draft permit, and all permit application materials have been posted on EPA's website at <https://www.epa.gov/pa/epa-public-notice-pennsylvania>. I have also attached the Public Notice for the draft permit to this email for your review.

I also wanted to try to ease some of your potential concerns about the proposed injection well.

The proposed injection project is a UIC Class II injection well. The United States Code of Federal Regulations classify Class II injection wells as those wells that are used only to inject fluids associated with oil and natural gas production. This particular well will be used for the disposal of brine that's been brought to the surface during Roulette's conventional oil and gas production. I want to make it clear that unconventional fluids, such as those fluids produced in association with Marcellus and Utica shale development, will not be injected. I also wanted to make sure that you were correctly informed that, unlike surface waters, which can cross regional boundaries, injection wells are stationary entities.

Additionally, I wanted to touch on the topic of any potential contamination at or near the headwaters of the Allegany River. In that respect, please be advised that, as part of the UIC application process, each permit applicant must identify all surface bodies of water and all springs within a 1/2-mile of the wellbore. Within this radius, Roulette identified two intermittent stream drainages and no perennial streams or permanent streams that exist year-round. The only spring that exists is further than 1/2-mile from the wellbore. Moreover, injection in this well will take place at depths approximately 1,490 to 1,833 feet below ground surface and does not pose a risk to contaminating any surface water bodies. The only contamination that could happen at the surface would be a surface spill of brine. However, even in that unlikely event, it is highly improbable that any such spill would make its way to any one of the headwaters of the Allegany River.

EPA would like to extend an opportunity to speak about these matters further and to discuss any additional concerns the Seneca Nation may have. If you'd like to have a meeting prior to the public hearing next Tuesday, the UIC Program in Region 3 is certainly amenable to that. I've listed a few times that we're available in the next few days for a discussion if you'd like to have one. I've listed those times below:

Thursday, January 28, 2021	1:00 – 2:00 PM EST
Friday, January 29, 2021	11:00 – 12:00 PM EST
Monday, February 1, 2021	10:00 – 11:00 PM EST

Please let me know if you'd like to meet at one of these times and I'll set up a meeting using Microsoft Teams.

I look forward to hearing from you.

Respectfully,

Kevin Rowsey

Source Water & UIC Section
Water Division
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Phone: 215.814.5463

From: Cliff Redeye III <clifford.redeye@snr.org>

Sent: Monday, January 25, 2021 1:25 PM

To: Rowsey, Kevin <rowsey.kevin@epa.gov>

Cc: Jonathan, Grant <Jonathan.Grant@epa.gov>; Arcaya, Alyssa <arcaya.alyssa@epa.gov>; Hamilton, Brian <Hamilton.Brian@epa.gov>

Subject: Proposed Permit Issuance for Roulette Oil and Gas Company

Hello Mr. Rowsey

I am writing in regard to the proposed permit being issued to Roulette Oil and Gas. I am a representative for the Seneca Nation Environmental Program and we are requesting that the public hearing be held. The Seneca Nation is concerned that contaminants from the disposal well will end up in the headwaters of the Allegany River and pollute our territory.

We would also like to request a formal consultation on the matter. I have reached out to EPA Region 2 representatives as well with our request. Please feel free to call or email with any questions.

Thank you,

Clifford C. Redeye III
Acting Director
Seneca Nation Environmental Protection Department
90 Ohiyo Way
Salamanca, NY 14779
716-983-6047 (cell)
716-945-1790
EXT. 3191

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